

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cv-10125

Margaret Cimini

v.

Mark Cimini

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-14, 16-22, 25-28

and contained in Volume(s) I are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 8/4/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on August 8, 2006.

Sarah A Thornton, Clerk of Court

By

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 8/10/06.

D. Barchard
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-10125-WGY**

Cimini v. Cimini
Assigned to: Judge William G. Young
Cause: 42:1983 Civil Rights Act

Date Filed: 01/20/2005
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Margaret Cimini

represented by **Margaret Cimini**
5 Sand Beach Road
Westford, MA 01886
PRO SE

V.

Defendant

Mark Cimini

represented by **Mark Cimini**
12 Maple Road
Westford, MA 01886
978-692-4556
PRO SE

Interested Party

Department of Revenue

represented by **Annapurna Balakrishna**
Office of the Attorney General
Government Bureau
1 Ashburton Place
Boston, MA 02108
617-727-2200 ext.2678
Fax: 617-727-5785
Email:
annapurna.balakrishna@ago.state.ma.us

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
01/20/2005	<u>1</u>	NOTICE OF REMOVAL by Mark Cimini \$ 150, receipt number 61559, filed by Mark Cimini.(Stanhope, Don) (Entered: 01/25/2005)
02/01/2005	<u>2</u>	Notice of Petition and Verified Petition to <u>1</u> Notice of Removal. (Stanhope, Don) (Entered: 02/01/2005)

02/01/2005	3	MEMORANDUM OF LAW Regarding Retention of Jurisdiction. filed by Mark Cimini. (Stanhope, Don) (Entered: 02/01/2005)
02/01/2005	4	MEMORANDUM OF LAW in Support of 1 Notice of Removal. filed by Mark Cimini (Stanhope, Don) (Entered: 02/01/2005)
02/01/2005	5	NOTICE of Appearance by Mark Cimini (Stanhope, Don) (Entered: 02/01/2005)
03/16/2005	6	MOTION for the Amendment to the 1 Notice of Removal from the Probate and family Court of Middlesex County, Massachusetts. filed by Mark Cimini.(Stanhope, Don) (Entered: 03/18/2005)
04/25/2005	7	MOTION for Summary Judgment filed by Mark Cimini.(Stanhope, Don) (Entered: 04/25/2005)
04/25/2005	8	MOTION for Contempt Against the Massachusetts Department of Revenue, Marilyn Ray Smith, National Financial Services, LLC a Fidelity Investment Company filed by Mark Cimini. (Attachments: # 1 Exhibit)(Stanhope, Don) (Entered: 04/25/2005)
06/13/2005	9	Letter/request (non-motion) from Mark Cimini to Judge Lindsay dated 6/9/05 re: case, filed. (Flaherty, Elaine) (Entered: 06/14/2005)
06/17/2005	11	NOTICE of Appearance by Annapurna Balakrishna on behalf of the Department of Revenue (Nici, Richard) Modified on 6/23/2005 (Nici, Richard). Modified on 6/23/2005 (Nici, Richard). (Entered: 06/22/2005)
06/20/2005	10	Response to Notice of Appearance by Mark Cimini. (Patch, Christine) (Entered: 06/21/2005)
06/21/2005	12	Letter/request (non-motion) from Mark Cimmi with attached corrected page two of recent filing, filed. (Flaherty, Elaine) (Entered: 06/22/2005)
06/21/2005	13	MOTION for Entry of Default against the MA Dept of Revenue, Marilyn Ray Smith, and National Financial Services, LLC a Fidelity Investment Company by Mark Cimini, filed.(Flaherty, Elaine) (Entered: 06/22/2005)
06/23/2005	14	Judge Reginald C. Lindsay : ORDER FOR RE-ASSIGNMENT OF CASE TO CHIEF JUDGE YOUNG entered: On January 20, 2005, Michael Cimini removed this action from the Probate and Family Court of Middlesex County and the matter was randomly assigned. Upon review of the pleadings, however, it appears this action is related to Civil Action No. 05-10027-WGY, filed on January 4, 2005. A Memorandum and Order of Dismissal sua sponte entered on January 11, 2005, and an Order of Dismissal closing that action entered on January 12, 2005. In accordance with Local Rule 40.1(e)(1), it is hereby ORDERED that this action is RE-ASSIGNED to Chief Judge William G. Young, and the clerk shall make the appropriate revisions to the docket. All future filings in this action shall indicate the case number as C.A. 05-10125-WGY. [Judge Reginald C. Lindsay no longer assigned to case].(Greenberg, Rebecca) (Entered: 06/23/2005)
06/23/2005		Notice of correction to docket made by Court staff. Correction: Docket

		entry #11 corrected because: notice of appearance was linked to the wrong party. (Nici, Richard) (Entered: 06/23/2005)
06/24/2005	<u>16</u>	Letter/request (non-motion) from Mark Cimini re: Correction to Page Two - Paragraph Number 13 of Document #15. Corrected Page attached. (received for docketing 7/14/05) (Bell, Marie) (Entered: 07/14/2005)
06/30/2005	<u>15</u>	Response by Mark Cimini to <u>14</u> Order Reassigning Case. c/s. (Bell, Marie) (Entered: 07/01/2005)
07/18/2005	<u>17</u>	Judge William G. Young : MEMORANDUM AND ORDER FOR REMAND entered: it is hereby ORDERED that the above captioned matter is REMANDED to the Probate and Family Court for Middlesex County. It is FURTHER ORDERED that Mark Cimini's Motion for Summary Judgment (#7), Motion for Contempt (#8), and Motion for Default Judgment (#13), are denied without prejudice in view of this Order for Remand. (Greenberg, Rebecca) (Entered: 07/19/2005)
07/19/2005	<u>18</u>	Judge William G. Young : ORDER FOR REMAND entered: In accordance with the Memorandum and Order dated July 18, 2005 directing this action be Remanded, it is hereby ORDERED that the above captioned matter is REMANDED to the Probate and Family Court for Middlesex County. This case shall be administratively closed in view of the Remand, and all pending motions shall be terminated as moot in view of the Remand. (Greenberg, Rebecca) (Entered: 07/19/2005)
07/19/2005		Civil Case Terminated in view of Remand. (Greenberg, Rebecca) (Entered: 07/19/2005)
07/25/2005	<u>19</u>	MOTION for Reconsideration re <u>18</u> Order of Remand, by Mark Cimini. c/s.(Bell, Marie) (Entered: 07/26/2005)
07/26/2005		Judge William G. Young : Electronic ORDER entered denying <u>19</u> Motion for Reconsideration re <u>18</u> Order of Remand. cc/cl. (Bell, Marie) (Entered: 07/27/2005)
08/01/2005	<u>20</u>	NOTICE OF APPEAL as to Order on Motion for Reconsideration, <u>18</u> Order, by Mark Cimini. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 8/22/2005. cc/cl.(Bell, Marie) (Entered: 08/03/2005)
08/04/2005	<u>21</u>	MOTION to Retract <u>20</u> Notice of Appeal and Points of Law by Mark Cimini. c/s.(Bell, Marie) (Entered: 08/05/2005)
08/11/2005	<u>22</u>	Certified and Transmitted Record on Appeal to US Court of Appeals re <u>20</u> Notice of Appeal, (Ramos, Jeanette) (Entered: 08/11/2005)
08/12/2005	<u>23</u>	USCA Case Number 05-2218 for <u>20</u> Notice of Appeal, filed by Mark Cimini,. (Ramos, Jeanette) (Entered: 08/12/2005)
08/18/2005		Judge William G. Young : Electronic ORDER entered re: <u>21</u> MOTION to

		Retract <u>20</u> Notice of Appeal. TREATED AS A MOTION FOR RECONSIDERATION, MOTION DENIED. cc/cl. (Bell, Marie) (Entered: 08/19/2005)
08/18/2005	<u>24</u>	MOTION for Clarification by Mark Cimini. (Attachments: # <u>1</u> Exhibit) (Bell, Marie) (Entered: 08/19/2005)
09/06/2005		Judge William G. Young : Electronic ORDER entered RE: <u>24</u> Motion for Clarification. MOTION DENIED AS UNNECESSARY. cc/cl. (Bell, Marie) (Entered: 09/06/2005)
09/12/2005	<u>25</u>	MANDATE of USCA as to <u>20</u> Notice of Appeal, filed by Mark Cimini. Upon consideration of appellant's unopposed motion, It is hereby ordered that this appeal be voluntarily dismissed pursuant to Fed. R. App. P. 42 (b). (Ramos, Jeanette) (Entered: 09/12/2005)
12/21/2005	<u>26</u>	Mandamus based upon previous Remand from this Court by Mark Cimini (Attachments: # <u>1</u> Attachment 1)(Bell, Marie) (Entered: 12/27/2005)
01/03/2006		Judge William G. Young : Electronic ORDER entered. Re: (26) Petition denied. This court is without any subject matter jurisdiction. (Paine, Matthew) (Entered: 01/03/2006)
06/16/2006	<u>27</u>	MOTION for Reconsideration by Mark Cimini.(York, Steve) (Entered: 06/16/2006)
07/20/2006		Judge William G. Young : Electronic ORDER entered re <u>27</u> Motion for Reconsideration. "Motion DENIED. Case DISMISSED." (Paine, Matthew) (Entered: 07/21/2006)
08/04/2006	<u>28</u>	NOTICE OF APPEAL as to Order on Motion for Reconsideration by Mark Cimini. \$ 455 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 8/24/2006. (Paine, Matthew) (Entered: 08/08/2006)